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4 Mark S. Smith, Esq.  
THE LAW OFFICES OF MARK S. SMITH  
5 456 West O'Brien Drive, Suite 102-D  
Hagatna, Guam 96910  
6 Telephone: (671) 477-6631

7  
8 Attorneys for Defendant:  
WEN YUEH LU

9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF GUAM

11 UNITED STATES OF AMERICA,

12  
13 Plaintiff,

14 vs.

15 WEN YUEH LU,

16 Defendant.

MAGISTRATE CASE NO. 06-00031

**MOTION TO DISMISS; or  
in the alternative TO SUPPRESS  
EVIDENCE FOR DESTRUCTION  
OF EVIDENCE**

17  
18 **MOTION TO DISMISS; or in The Alternative  
TO SUPPRESS EVIDENCE FOR DESTRUCTION OF EVIDENCE**

19 COMES NOW Defendant Wen Yueh Lu, through counsel undersigned,  
20 and respectively moves the Honorable Court for an order granting the Defendant's  
21 Motion to Dismiss; or, in the alternative, to suppress evidence that relates to the  
22 Government's destruction of evidence. Defendant's motion is based upon the  
23 memorandum and support herein, prior orders and record herein. In support of this  
24 motion, Defendant relies upon the authorities filed herein below.  
25  
26  
27  
28

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**FILED**

DISTRICT COURT OF GUAM

JAN 19 2007

MARY L.M. MORAN  
CLERK OF COURT

ORIGINAL

5 **POINTS AND AUTHORITIES**

6 **BACKGROUND FACTS**

7 On September 9, 2006, Defendant Wen Yueh Lu and his vessel Marshalls 201  
8 upon which he was the captain was forcibly brought into the Port of Guam pursuant to  
9 the U.S. Government's investigation of illegal fishing.

10 On October 2, 2006, the Government seized and removed the Defendant Wen  
11 Yueh Lu and Marshalls 201 laptop computer INMARSAT C (herein "INMARSAT  
12 Computer") from the vessel Marshalls 201. See, Attorney Berman letter dated October  
13 4, 2006 to U.S. Attorney, p. 1, footnote 1, Exhibit "A", attached.

14 On October 4, 2006, Defendant requested in writing that the Government provide  
15 a evidence tag or receipt for the seized INMARSAT Computer. Exhibit "A".

16 Notwithstanding the written request for acknowledgment, evidenced tag or  
17 receipt, U.S. Government offered no response whatsoever.

18 On October 5, 2006, the Marshalls 201 and its Captain Defendant Wen Yueh Lu  
19 were formerly arrested in Guam.

20 On October 13, 2006, Defendant's counsel requested in writing that the  
21 INMARSAT C computer which was seized by the Government, be promptly returned  
22 to Defendant. See, Attorney Berman letter dated October 13, 2006, p. 1, ¶A, no. 3,  
23 attached Exhibit "B".

24 On November 22, 2006, the Government returned the destroyed INMARSAT C  
25 Computer to Defendant's counsel in Guam. See, color photographs broken INMARSAT  
26 C computer, attached Exhibit "C".

27 On December 7 and 8, 2006, Defendant Lu testified under oath in Deposition to  
28

4 his complaint that the Government had taken and destroyed his INMARSAT C  
5 computer. See, Deposition Lu, excerpt pp. 67-72, attached Exhibit "D".

6 On December 9, 2006, Defendant Wen Yueh Lu was arrested on charges based on  
7 this Magistrate Complaint.

8 On December 29, 2006, the Government provided its selected discovery in 1 DVD-  
9 Rom disc.

10 On January 9, 2007, Defendant Lu requested in writing that the INMARSAT C  
11 computer be restored or repaired, or otherwise Defendant would bring a Motion to  
12 Dismiss the case. See, Attorney Smith letter dated January 9, 2007, p. 2, ¶C, no. 16  
13 (Notice Motion to Dismiss), attached Exhibit "E".

14 Thereafter to present, the Government has provided no response to the  
15 destruction of this valuable exculpatory evidence.

16  
17 **LEGAL AUTHORITY**

18 The United States Supreme Court recognized that due process rights are  
19 implicated when potentially exculpatory evidence has been lost or destroyed by the  
20 Government. *Arizona v. Youngblood*, 448 U.S. 51, 109 S. Ct. 333, 337 (1988), *citing Lisenba*  
21 *v. California*, 314 U.S. 219, 236 (1941). In *Youngblood* the Court held that in order for a  
22 criminal defendant to establish a denial of the due process, he or she must show bad  
23 faith on the part of the prosecution in failing to preserve such evidence and that the  
24 destroyed evidence is favorable to the defense. *Id*; *California v. Trombetta*, 467 U.S. 479,  
25 489 (1984); *May v. Collins*, 935 F. 2d 299, 315 (5<sup>th</sup> Cir. 1992), *citing Brady v. Maryland*, 373  
26 U.S. 83, 87 (1963).

4 In *United States v. Boyd*, 961 F. 2d 434, 435-437 (3d Cir. 1992), the United States  
5 Court of Appeals for the Third Circuit reviewed a similar claim where the Government  
6 destroyed a defendant's positive urine test before it could be subjected to an  
7 independent defense examination. Although the court indicated that the defendant's  
8 argument appeared to "have some merit," it held that no bad faith existed because the  
9 specimen was destroyed pursuant to the standard procedure of an independent (non  
10 government) laboratory which conducted the test. *Id.* At 437.

11 It is presently unknown to the defense why exactly the subject evidence was  
12 destroyed. Likewise, the defense does not know if the destruction was undertaken  
13 pursuant to a standard NOAA or Coast Guard policy. It is undisputable, however, that  
14 even if the destruction occurred prior to this Court's Standing Discovery Order, the  
15 prosecution must have anticipated that the defense would seek to use - as well as -  
16 inspect and analyze the original working laptop computer INMARSAT C.

17 After the October 4, 2006, Defendant written request that an evidence tag or  
18 receipt be provided for the seized INMARSAT C computer, the Marshalls 201 and its  
19 captain Defendant Wen Yueh Lu were formally arrested. This appears a retaliatory  
20 motive. To further this particular motivation, after the December 7 and 8, 2006  
21 deposition by Defendant Lu that asserted his complaint that the government had taken  
22 and destroyed his INMARSAT C laptop computer, together with photographs of the  
23 computer submitted in deposition, the Government on December 9, 2006 filed for the  
24 first time a criminal charge solely against Defendant Lu and arrested Lu at the airport.  
25 This is odd because the Captain Defendant Lu and his crew were all released and free  
26 to go after the vessel Marshalls 201 was released on October 13, 2006 based upon the  
27

4 deposit of a reasonable bond. It is respectfully submitted that bad faith can be found  
5 under these circumstances of repeated retaliation.

6 The prejudice which has accrued to the Defendant as a result of the destruction  
7 of the evidence is patent. The Defendant has been stripped of the ability to effectively  
8 counter the erroneous tracking coordinates undertaken by the Coast Guard and NOAA.  
9 Accordingly, it would be fundamentally unfair to permit the Government to go forward  
10 with the charge of "Refusal to Stop" on September 9, 2006 when Defendant's evidence  
11 of his precise location and track was destroyed by the Government. At the very least,  
12 the Government should be precluded from utilizing the flawed and erroneous Coast  
13 Guard and NOAA evidence of location and track of Defendant and Marshalls 201.

14 **CONCLUSION**

15 Based on the foregoing arguments and authorities, this Court is respectfully  
16 urged to dismiss the Complaint, or to enter an Order precluding the Government from  
17 offering any evidence regarding the locations and track of the Marshalls 201 and  
18 Defendant Lu in September 2006, because the onboard laptop INMARSAT C Computer  
19 was intentionally destroyed by the Government.

20 Dated this 19<sup>th</sup> day of January, 2007.

21 Respectfully submitted,

22 Attorneys for Petitioner/Defendant:  
23 WEN YUEH LU

24 **BERMAN O'CONNOR & MANN**  
25 **THE LAW OFFICES OF MARK S. SMITH**

26 By: 

27 **DANIEL BERMAN**  
28 **MARK S. SMITH**

**BERMAN O'CONNOR & MANN**

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October 4, 2006

**VIA E-MAIL, FACSIMILE & U.S. MAIL:**

**(671) 472-7215**

Mikel W. Schwab, Esq.  
Office of the United States Attorney  
108 Hernan Cortes Avenue, Suite 500  
Hagåtña, Guam 96910

Re: F/V Marshalls No. 201

Dear Mikel,

In response to your letter dated October 2, 2006, I believe it best to memorialize in letter form my client's previous e-mails and in addition offer some modifications. The U.S. should understand that while my client is not in a position to post a multi-million bond for the release of the F/V Marshalls No. 201 in the foreseeable future, the client does now offer to post a \$1.0 million bond to substitute for the vessel.

The officers and crew from the F/V Marshalls No. 201 are not instructed to stay or leave the vessel in order to assist in its operation and maintenance after formal arrest. Despite the absence of instruction from my client, I understand that some crew will voluntarily accept a U.S. offer for employment. The technical difficulties, maintenance and cost together with the responsibility for the vessel will be transferred to the U.S. upon formal arrest and seizure of the Marshalls No. 201. A complete inventory list of the vessel is expected and said inventory is requested to be provided to my client as soon as possible<sup>1</sup>. My clients are prepared for the peaceful and orderly transition of the vessel to the custody of the U.S. upon receipt of formal arrest orders or related law enforcement command.

From review of your October 2, 2006, it is difficult to know if you heard what Mr. Koo personally appeared before you to explain. First, he made a personal apology to

---

<sup>1</sup> Please provide us a property receipt for your agent Capt. Unterburg's removal of the vessel's laptop computer and weather/fax computer on October 2, 2004. When the Coast Guard removed other valuable navigation equipment, they were professional and provided receipts for the seized gear.

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**EXHIBIT "A"**

you, the NOAA representatives and the U.S. Government. Second, he had offered to pay a \$1.04 million cash fine. This offer to pay a cash fine encompassed all eight violations asserted under the Magnuson Act at the maximum rate of \$130,000.00 per violation. Four, my client offered to pay for remedial measures in future fishing operations, a repeat of what was offered on April 13, 2006 to the U.S. Government (which has been unfortunately not accepted up until October 2006). Last, my client offered the fish catch value estimated by USG at \$500,000.00.

Mr. Koo expressed his concern that it may be improvident for the most wealthy and omnipotent nation of the world to selectively enforce the furthest extreme line of its EEZ against only my client. Mr. Koo attempted to articulate in a foreign language, his belief that the U.S. was in a state of over reaction in seeking to make a future example of my client in establishing a world record setting fine for fishing violations.

No one of my clients disagree that the U.S. is wrong to enforce their rights in their own EEZ; nor, that the Marshalls No. 201 was arrested (by a distance of 1 or 2 miles at most) inside the U.S. Government's Code of Federal Regulations - defined coordinates for the location of U.S. EEZ around Howland and Baker Islands. But, no one in the US or NOAA seems to take responsibility for the omissions and deficiencies of the only publicly available chart of the location of the U.S. EEZ boundary around Howland and Baker Islands. This is known as the 3rd Revision July 2001, Department of Ocean Affairs Map styled "Claimed and Potential Maritime Zones on the Central and South Pacific" ("DOA Chart"). This particular EEZ line is not settled by final agreement or treaty with the Kiribati Islands.

You are correct that my client denies being "fully aware of the line" and intentionally poaching within it. The only EEZ line available to my client's Captain was the DOA Chart, which is a line of approximately a 20 mile band width. The US best case coordinates for the location of the vessel and location of the U.S. EEZ line puts the vessel at no more than one to two miles inside the line. Simply look at the past 14 year history of my clients fishing industry. No other example of entry by my client's vessels into the US EEZ and taking a set of fish exists, but for this case where the US watched and waited, and declined to implement offered remedial measures that would have warned the Marshalls No. 201 of the CFR-defined coordinates and the line that connects it. The summary of all the other allegations against my clients are FAD's let loose to float in the water, and "gear out" when traveling through the U.S. EEZ.

My client is not oblivious, as you argue, to the previous instance of their payment of a \$50,000.00 fine for the Niuguini No. 103 floating FAD violation. This fine should have been a far lesser sum as a first offense. Because the US did not disclose

Letter to Mikel W. Schwab, Esq.  
Re: F/V Marshalls no. 201  
October 4, 2006  
Page 3

NOAA's September 1989 Penalty Schedule, my then unrepresented client wished to make immediate peace and avoid any disputes with the US. Review of the then penalty Schedule should have made clear that alleged violation was equal to more than \$10,000.00.

That Niuguini No. 103 FAD like all other the FAD alleged violations, to my knowledge, were FAD's released in international waters or waters where my clients had the right to fish. Currents, winds and weather move the unfettered FADs around the waters after they are released. No court cases nor published legal opinion declares that the release of a FAD that accidentally travels through U.S. EEZ waters is the equivalent of intentional fishing, as defined by the Magnuson Act

On or about September 7, 2006, the U.S. claims that my clients committed multiple violations of U.S. fishing laws. But, over three weeks of time have passed, and the US has still failed to provide to us the evidence, coordinates, photographs and proof regarding these further fishing violations in support of broad accusations against the Koos No. 101, 107 and 108 vessels fishing in the U.S. waters. We have repeatedly asked for, but been denied, any review or access to this new proof upon which NOAA asserts that \$36 million may be owed to the US and that my client's failure to pay the multi-millions of dollars demanded in penalties is cause for forfeiture of as many as 4 purse seine vessels.

I look forward to working with you in the near future to minimize the problems with the arrest and seizure of the F/V Marshalls No. 201, its officers and crew.

Please contact me should you have any questions.

Very truly yours,



Daniel J. Berman

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October 13, 2006

**VIA E-MAIL, FACSIMILE & U.S. MAIL:**  
**(671) 472-7215**

Mikel W. Schwab, Esq.  
Office of the United States Attorney  
108 Hernan Cortes Avenue, Suite 500  
Hagåtña, Guam 96910

Re: Marshalls No. 201 Return of Instruments and Equipment

Dear Mikel:

I am writing to follow up on our discussion late October 12, 2006 with respect to the return of the instruments and navigation equipment necessary for the operation of the vessel Marshalls No. 201. Pursuant to the posted bond and order to release the vessel, I amicably request that the instruments and equipment for navigation and fishing be returned to the vessel Marshalls No. 201 as soon as possible. Please work with me to identify the most expedient means of transport and return of the below equipment for the Marshalls No. 201. These instruments and equipment may be divided into two (2) categories and include the following:

**A. Necessary to Navigate And Fish.**

1. Furuno GPS Navigator, GP-90, Serial No. 4400-7672, dated September 14, 2006, Tag No. 009.
2. Furuno GPS Navigator, Serial No. 4400-0450, dated September 20, 2006, Seized Property Receipt No. 30549.
3. Two lap top computers, VMS programmed for broadcast signal and communication with FFA, necessary to fishing. Dated October 2, 2006. See Letter D. Berman to M. Schwab, dated October 4, 2006, attached.

**EXHIBIT " B "**

4. Two color plotter memory cards, No. B5XX.0081 Class S\*, No. B5XX.0081 Class G, dated September 20, 2006, Seized Property Receipt No. 30540.
5. Two color plotter memory cards, No. B7B5.0110, No. B5XX.0081, dated September 20, 2006, Seized Property Receipt No. 30541.
6. South Pacific Regional Purse Seine Log Sheet, dated September 13, 2006, Tag No. 06-028-001.
7. Claim to Potential Maritime Zones chart, Second Revision, March 1995, dated September 13, 2006, Tag No. 06-028-005.
8. Marshalls No. 201 Ship's Log Book, estimated value \$35.00. September 13, 2006. Tag No. 06-028-004.

**B. Ship's Logs and Documents.**

9. Marshalls No. 201 fish hold layout / log. Dated September 13, 2006. Tag No. 06-028-002.
10. Brown Engineering Log Book "NiuGini\_ \_ \_" on the cover. Dated September 13, 2006. Tag No. 06-028-008.
11. Koo's Fishing Company Ltd. Engineering log book. Blue in color. Dated September 13, 2006. Tag No. 06-028-007.
12. Tuvalu to Palmyra Atoll. No. 2031 o.r., Nautical Chart, dated September 13, 2006. Tag No. 06-028-006.
13. Two (2) FAD, Green Notebook. Dated September 20, 2006. Tag No. 30538.
14. Koo's 106, Blue Log Book. Dated September 20, 2006. Seized Property Receipt No. 30539.
15. Green Notebook. Dated September 20, 2006. Seized Property Receipt No. 27069.

Letter to Mikel W. Schwab, Esq.  
Re: F/V Marshalls No. 201  
October 13, 2006  
Page 3

16. Fishing Log Sheets. Dated September 20, 2006. Seized Property  
Receipt No. 30542.

Please advise me at your earliest convenience regarding the means and  
estimated date of return of the above Marshalls No. 201 property. I look forward to  
hearing from you and working together in the near future.

Very truly yours,

A handwritten signature in black ink, appearing to read "Daniel Berman", with a stylized, cursive script.

Daniel J. Berman

Attachments: Copies of Evidence Receipts and Tags  
D. Berman Letter October 4, 2002

ons - None

you for promoting boating safety.

ing Officer: Przybyla, Thomas E.

ing Officer Signature: [Signature] Date: 9/9/06

Representative Signature: LU. WEN-YUEH

ICY ACT STATEMENT required by Public Law 93-579

ORITY: 46 U.S.C. 2302, 46 U.S.C. 4311, 46 U.S.C. 12309, 46 U.S.C. 4106, 46 U.S.C. 2, 14 U.S.C. 89.

IPAL PURPOSE(S): Document boarding officer's report, to assess civil penalty action, appropriate, to facilitate collection of any civil penalties assessed, and to give owner/operator written notice of boarding. Information will be retained on file years and will be considered in the event of future violation(s), except some

①

AG NUMBER

009

DATE (Day, Month, Year)

14 SEP 2006

his tag receipts for property \* (received) \* (taken) from older. It must be presented to the evidence custodian f the retaining unit to obtain release of the item listed n the matching portion of this ticket and below. By cceptance of this stub and signature on matching ortion, holder agrees to the information entered on oth portions of this ticket.

DESCRIPTION (Include condition and value)

FURUNO GPS NAVIGATOR  
GP-90. SER. No: 4400-7672  
EST VALUE \$400.

SIGNATURE OF RECEIVER

\* Strike out inapplicable word

### SEIZED PROPERTY RECEIPT

NO. 156355

DATE: 15 SEP 2006

ARTICLE(S) SEIZED: 500 TONS SKIPTACK

AND ALL OTHER CATCH ON BOARD

WORTH APPROX \$450,000

AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (12-78)

## SEIZED PROPERTY RECEIPT

30549

(2)

DATE: 9-20-06

ARTICLE(S) SEIZED:

Evidenced GPS Navigator

# 4400-0450

AUTHORIZED OFFICER SIGNATURE

John Boughey

NOAA FORM 86-86 (11-89)

## SEIZED PROPERTY RECEIPT

30540

NO. \_\_\_\_\_

DATE: 09-20-06

ARTICLE(S) SEIZED:

Evidenced Box # DD47434

(2) Color Photo Memory Cards

# B5XX.D081 CHG: S\*

# B5XX.D081 CHG: G

AUTHORIZED OFFICER SIGNATURE

John Boughey

NOAA FORM 86-86 (11-89)

(4)

## SEIZED PROPERTY RECEIPT

30541

DATE: 09-20-06

ARTICLE(S) SEIZED:

Evidenced Box # DD47434

(2) Color Photo Memory Cards

# B7B5.D110

# B5XX.D081

AUTHORIZED OFFICER SIGNATURE

John Boughey

NOAA FORM 86-86 (11-89)

(5)

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October 4, 2006

**VIA E-MAIL, FACSIMILE & U.S. MAIL:**

**(671) 472-7215**

Mikel W. Schwab, Esq.  
Office of the United States Attorney  
108 Hernan Cortes Avenue, Suite 500  
Hagåtña, Guam 96910

(3)

Re: F/V Marshalls No. 201

Dear Mikel,

In response to your letter dated October 2, 2006, I believe it best to memorialize in letter form my client's previous e-mails and in addition offer some modifications. The U.S. should understand that while my client is not in a position to post a multi-million bond for the release of the F/V Marshalls No. 201 in the foreseeable future, the client does now offer to post a \$1.0 million bond to substitute for the vessel.

The officers and crew from the F/V Marshalls No. 201 are not instructed to stay or leave the vessel in order to assist in its operation and maintenance after formal arrest. Despite the absence of instruction from my client, I understand that some crew will voluntarily accept a U.S. offer for employment. The technical difficulties, maintenance and cost together with the responsibility for the vessel will be transferred to the U.S. upon formal arrest and seizure of the Marshalls No. 201. A complete inventory list of the vessel is expected and said inventory is requested to be provided to my client as soon as possible<sup>1</sup>. My clients are prepared for the peaceful and orderly transition of the vessel to the custody of the U.S. upon receipt of formal arrest orders or related law enforcement command.

From review of your October 2, 2006, it is difficult to know if you heard what Mr. Koo personally appeared before you to explain. First, he made a personal apology to

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<sup>1</sup> Please provide us a property receipt for your agent Capt. Unterburg's removal of the vessel's laptop computer and weather/fax computer on October 2, 2004. When the Coast Guard removed other valuable navigation equipment, they were professional and provided receipts for the seized gear.

E:\Jean\Ltrs\DJBSchwab.mikel 100206.wpd

(3)

TAG NUMBER <b>6-028-001</b>	DATE (Day, Month, Year) <b>13 SEP 2006</b>
--------------------------------	---

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

**OUTH PACIFIC REGIONAL  
SE SEINE LOGSHEET**

(6)

**LU. WBN - YUGH**

SIGNATURE OF RECEIVER

*[Signature]*

\* Strike out inapplicable word

TAG NUMBER <b>6-028-003</b>	DATE (Day, Month, Year) <b>13 SEP 06</b>
--------------------------------	---

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

**1/1 MARSHALLS 201  
VALUE UNKNOWN**

**LU. WBN - YUGH**

SIGNATURE OF RECEIVER

\* Strike out inapplicable word

TAG NUMBER <b>06-028-0005</b>	DATE (Day, Month, Year) <b>13 SEP 2006</b>
----------------------------------	---

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

(1) **Clam and Bivalve Machine Zones (MPT)**

DESCRIPTION (Include condition and value)

**2nd revision, March 1995**

(7)

**LU. WBN - YUGH**

SIGNATURE OF RECEIVER

*[Signature]*

\* Strike out inapplicable word

TAG NUMBER <b>06-028-0004</b>	DATE (Day, Month, Year) <b>13 SEP, 2006</b>
----------------------------------	--

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

(8)

DESCRIPTION (Include condition and value)

**F/U MARSHALLS 201 SHIP'S  
LOG BOOK. EST VALUE OF  
\$35**

**LU. WBN - YUGH**

SIGNATURE OF RECEIVER

*[Signature]*

\* Strike out inapplicable word

TAG NUMBER	DATE (Day, Month, Year)
6-028-002	13 SEP 2006

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

MARSHALLS 201 FISH HOLD  
AYOUT/LOG

(9)

LO. WEN - YUEH

SIGNATURE OF RECEIVER

\* Strike out inapplicable word

TAG NUMBER	DATE (Day, Month, Year)
06-028-008	13 SEP 2006

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

BROWN ENGINEERING  
LOG BOOK

(10)

"MUGINI" ON  
COVER

LO. WEN - YUEH

SIGNATURE OF RECEIVER

\* Strike out inapplicable word

G NUMBER	DATE (Day, Month, Year)
16-028-007	13, SEP, 2006

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

COO'S FISHING COMPANY LIMITED  
ENGINEERING LOG BOOK  
BLUE IN COLOR

(11)

LO. WEN - YUEH

SIGNATURE OF RECEIVER

\* Strike out inapplicable word

TAG NUMBER	DATE (Day, Month, Year)
06-028-006	13/SEP/2006

This tag receipts for property \* (received) \* (taken) from holder. It must be presented to the evidence custodian of the retaining unit to obtain release of the item listed on the matching portion of this ticket and below. By acceptance of this stub and signature on matching portion, holder agrees to the information entered on both portions of this ticket.

DESCRIPTION (Include condition and value)

TUVALU TO PALMYRA ATOLL  
#20313R

(12)

LO. WEN - YUEH

SIGNATURE OF RECEIVER

\* Strike out inapplicable word

## SEIZED PROPERTY RECEIPT

30538

(13)

DATE:

9/20/06

ARTICLE(S) SEIZED:

(2) FAD, Green Notebook

AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)

## SEIZED PROPERTY RECEIPT

30539

(14)

NO.

DATE:

9/20/06

ARTICLE(S) SEIZED:

Koo's 106

Blue Log Book

AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)

## SEIZED PROPERTY RECEIPT

30542

(16)

DATE:

9/20/06

ARTICLE(S) SEIZED:

FISHING Log

SHEETS

AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)

## SEIZED PROPERTY RECEIPT

27069

(15)

NO.

DATE:

9/20/06

ARTICLE(S) SEIZED:

GREEN Note

Book

AUTHORIZED OFFICER SIGNATURE

NOAA FORM 88-86 (11-89)